

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RON FELDMAN,

Plaintiff(s),

-against-

UNITED PARCEL SERVICE, INC., GARY WEISS  
INC., & GARY WEISS,

Defendant(s).

X

Index No.06 CV2490

ANSWER

X

Defendant, GARY WEISS, INC., and GARY WEISS, by its attorney PETER S. GORDON, ESQ. of GORDON & GORDON, P.C., as and for it Answer to the Verified Complaint of Ron Feldman, state and alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1"
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4"
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5"
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "8"
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "9"
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "11"
7. Defendant, GARY WEISS & GARY WEISS INC., denies the allegation in paragraph "12"
8. Defendant, GARY WEISS & GARY WEISS INC, denies the allegation in paragraph "13"

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "14"
10. Denies the allegations contained in paragraph "15"
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "16"
12. Denies the allegations contained in paragraph "17"
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "18"
14. Denies the allegations contained in paragraph "19"
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "20"
16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "21"
17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "22"
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "23"
19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "24"
20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "25"
21. Denies the allegations contained in paragraph "26"
22. Denies the allegations contained in paragraph "27"

23. Denies the allegations contained in paragraph “28”
24. Denies the allegations contained in paragraph “29”
25. Denies the allegations contained in paragraph “30”
26. Denies the allegations contained in paragraph “31”
27. Denies the allegations contained in paragraph “32”
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33”
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “34”
30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “35”
31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “36”
32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “37”
33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “38”
34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “39”
35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “40”
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “41”

- 37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “42”
- 38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “43”
- 39. Denies the allegations contained in paragraph “44”
- 40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “46”
- 41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “48”

**AS AND FOR A FIRST CAUSE OF ACTION**

- 42. Defendants, Gary Weiss and Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph “50” of the complaint.
- 43. Denies the allegation contained in paragraph “51”
- 44. Denies the allegation contained in paragraph “52”
- 45. Denies the allegation contained in paragraph “53”
- 46. Denies the allegation contained in paragraph “54”
- 47. Denies the allegation contained in paragraph “55”
- 48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “56”
- 49. Denies the allegation contained in paragraph “57”
- 50. Denies the allegation contained in paragraph “58”

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "59"
52. Denies the allegation contained in paragraph "60"
53. Denies the allegation contained in paragraph "61"
54. Denies the allegation contained in paragraph "62"
55. Denies the allegation contained in paragraph "63"
56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "64"
57. Denies the allegation contained in paragraph "65"
58. Denies the allegation contained in paragraph "63"
59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "64"
60. Denies the allegation contained in paragraph "65"
61. Denies the allegation contained in paragraph "66"
62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "67"
63. Denies the allegation contained in paragraph "68"
64. Denies the allegation contained in paragraph "69"
65. Denies the allegation contained in paragraph "70"

**AS AND FOR THE SECOND CAUSE OF ACTION**

66. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in

answer to paragraph “71” of the complaint.

67. Denies the allegations contained in paragraph “72”

68. Denies the allegation contained in paragraph “73”

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “74”

70. Denies the allegation contained in paragraph “75”

71. Denies the allegation contained in paragraph “76”

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “77”

73. Denies the allegation contained in paragraph “78”

74. Denies the allegation contained in paragraph “79”

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “80”

76. Denies the allegation contained in paragraph “81”

77. Denies the allegation contained in paragraph “82”

78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “83”

79. Denies the allegation contained in paragraph “84”

80. Denies the allegation contained in paragraph “85”

81. Denies the allegation contained in paragraph “86”

### **AS AND FOR THE THIRD CAUSE OF ACTION**

82. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial

hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph “87” of the complaint.

83. Denies the allegation contained in paragraph “88”

84. Denies the allegation contained in paragraph “89”

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “90”

86. Denies the allegation contained in paragraph “91”

87. Denies the allegation contained in paragraph “92”

#### **AS AND FOR THE FOURTH CAUSE OF ACTION**

88. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph “93” of the complaint.

89. Denies the allegation contained in paragraph “94”

90. Denies the allegation contained in paragraph “95”

91. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “96”

92. Denies the allegation contained in paragraph “97”

93. Denies the allegation contained in paragraph “98”

94. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “99”

95. Denies the allegation contained in paragraph “100”

96. Denies the allegation contained in paragraph “101”

97. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "102"

**AS AND FOR THE FIFTH CAUSE OF ACTION**

98. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "103" of the complaint.

99. Denies the allegation contained in paragraph "104"

100. Denies the allegation contained in paragraph "105"

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "106"

102. Denies the allegation contained in paragraph "107"

103. Denies the allegation contained in paragraph "108"

104. Denies the allegation contained in paragraph "109"

**AS AND FOR THE SIXTH CAUSE OF ACTION**

105. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "110" of the complaint.

106. Denies the allegation contained in paragraph "111"

107. Denies the allegation contained in paragraph "112"

108. Denies knowledge or information sufficient to form a belief as to the truth of the



allegations contained in paragraph "113"

109. Denies the allegation contained in paragraph "114"

110. Denies the allegation contained in paragraph "115"

111. Denies the allegation contained in paragraph "116"

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**


1. Plaintiff has failed to include in the complaint a necessary party.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

1. Plaintiff had no privity with defendants Gary Weiss, Inc., and Gary Weiss.

**WHEREFORE**, Defendant prays that the complaint is dismissed in its entirety.

Dated: May 16, 2006  
Forest Hills, NY



GORDON & GORDON, ESQS.  
PETER S. GORDON, ESQ. {0068PSG}  
Attorney for all Defendants  
Gary Weiss, Inc. & Gary Weiss  
108-18 Queens Blvd.  
Forest Hills, NY 11375  
(718) 544-7070

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RON FELDMAN,

Plaintiff(s),

-against-

UNITED PARCEL SERVICE, INC., GARY WEISS  
INC., & GARY WEISS,

Defendant(s).

Index No.06 CV2490

AFFIDAVIT OF  
SERVICE

STATE OF NEW YORK     }  
                                      }ss.:  
COUNTY OF QUEENS     }

I, DAISY QUINONES, being duly sworn, deposes and says:

I am not a party to this action; I am over 18 years of age and reside at the County of KINGS,  
State of New York.

That on May 16, 2006, I served a true copy of demand for ANSWER in the above-indicated  
action in the following manner:

By mailing a copy of same, in a sealed envelope, with postage pre-paid thereon, in a post office  
or official depository under the care and custody of the United States Postal Service within the  
State of New York, addressed to the last known address of the addressee(s) as indicated below:

To: Stephen P. McLaughlin, Esq. (SPM 4136)  
DLA Piper Rudnick Gray Cary US LLP  
Attorneys for Defendant  
UNITED PARCEL SERVICE, INC.,  
1252 Avenue of the Americas  
New York, NY 10020-1104  
212-835-6000

Jonathan E. Roberts  
Talkin, Muccigrosso & Roberts, LLP  
Attorney for Plaintiff  
RON FELDMAN  
40 Exchange Place, Suite 1800  
New York, NY 10005

Dated: May 16, 2006

Sworn to before me this  
16<sup>th</sup> day of May 2006

NOTARY PUBLIC

PETER S. GORDON  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 41-4960394  
QUALIFIED IN QUEENS COUNTY  
COMMISSION EXPIRES DECEMBER 26, 2009

  
DAISY QUINONES